

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
AVAN/000419

First named inventor: Bernard Y. Malo

Application No.: 09/892,472

Art Unit: 2874

Filed: June 28, 2001

Examiner: Daniel J. Petkovsek

**Title: LOCALIZED ANNEALING OF UV INDUCED INDEX GRATINGS-IN OPTICAL WAVEGUIDES**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/AVAN/000419US the petition fee of \$1,500.00. (A duplicate copy of this form is included.)

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of a Response and Amendment (See attached sheet) (Identify type of reply):

has been filed previously on \_\_\_\_\_.

is enclosed herewith.

B. The issue fee of \$\_\_\_\_\_

has been paid previously on \_\_\_\_\_.

is enclosed herewith.

[Page 1 of 2]

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PAGE 2/18 \* RCVD AT 3/11/2005 3:49:29 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/3 \* DNI:8729306 \* CSID:7136234846 \* DURATION (mm:ss):04:44

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Walter C. Grollitsch

11 March 2005

Signature	Date
Walter C. Grollitsch	48,678
Typed or printed name	Registration Number, if applicable
3040 Post Oak Blvd., Suite 1500	713-623-4844
Address	Telephone Number
Houston, Texas 77056	
Address	

Enclosures:  Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

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- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

11 March 2005

Walter C. Grollitsch

Signature

Date

Walter C. Grollitsch

Typed or printed name of person signing certificate

[Page 2 of 2]

341255\_1

MAR 11 2005

PATENT  
Atty. Dkt. No. AVAN/000419

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Bernard Y. Malo

Serial No.: 09/892,472

Confirmation No.: 3302

Filed: June 28, 2001

For: LOCALIZED ANNEALING OF  
UV INDUCED INDEX  
GRATING-IN OPTICAL  
WAVEGUIDES

§ Group Art Unit: 2874

§ Examiner: Petkovsek, Daniel J.

CONTINUATION OF SECTION 2A IN THE PETITION FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR  
1.137(b)

A teleconference with the Examiner indicated that the file was lost internally at the United States Patent and Trademark Office and therefore the petition to revive and the response filed on November 25, 2003 was not entered in the record. As evidence of the petition to revive and response filed on November 25, 2003, please find attached a copy of the "Auto-Reply Facsimile Transmission" from the United States Patent and Trademark Office.

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 613 563 9231

Fax Information  
Date Received: 11/25/2003 9:30:00 AM [Eastern Standard Time]  
Total Pages: 15 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Page  
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NOV 25 2003 9:34 AM FR 613 563 9231 613 563 9231 TO 17036729306 P.01					
FACSIMILE (FAX) NUMBER SEARCHED FOR LEGAL MAILING INFORMATION DATE 03/11/2005 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE					
Under the Patent & Trademark Act of 1994, no record is maintained in this office for correspondence after four (4) years.					
<b>TRANSMITTAL FORM</b>					
(Do not use for all correspondence after four (4) years)					
Application Number: 09/692,472					
Filing Date: June 29, 2000					
First Named Inventor: Edward L. M.					
Art Unit: 2874					
Examiner Name: Dr. Patovsek					
Attorney/ Doctor Number: 7005028-1					
Total Number of Pages in This Authorization: 15					
ENCLOSURES (Check off those apply)					
<input checked="" type="checkbox"/> Fax Transmittal Form <input type="checkbox"/> Fax Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Appeal/Reconsideration (A) <input type="checkbox"/> Continuation Request <input type="checkbox"/> Express Allowance Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Party Documents <input type="checkbox"/> Response to Missing Part or Incomplete Application <input type="checkbox"/> Response to Missing Part under 37 CFR 1.33 or 1.35		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> License/Acknowledgment <input type="checkbox"/> Notice <input type="checkbox"/> Reply to Change in a Provisional Application <input type="checkbox"/> Power of Attorney, Relegation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Reissue <input type="checkbox"/> CD number of CGO)		<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Please indicate which Party used) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (Please specify below)	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
Firm or Institution Signature	Drewry et al., PLLC Registration No. 075 		Date	24 NOV 2003	
CERTIFICATE OF TRANSMISSION/MAILING					
I hereby certify this communication is being delivered transmittal to the USPTO or deposited into an electronic system for transmission to the USPTO at the earliest possible time. Communication is pursuant to 35 U.S.C. 133 and 37 CFR 1.3. This collection is authorized to take 12 months to complete. I understand that if my payment is not received within 12 months, the amount will be converted to a debt and may result in a fine. I further declare that the information contained in this communication is true and correct to the best of my knowledge. I understand that any false statement made on this document may subject me to a fine or imprisonment or both. I understand that if my signature is forged, I may be subject to a fine or imprisonment or both. I understand that if my signature is forged, I may be subject to a fine or imprisonment or both.					
Type or printed	Markie Gratzel 703-672-0206		Date	25 NOV 2003	
Signature			Date	25 NOV 2003	
If you need assistance in completing this form, call 1-800-PTO-8000 (1-800-777-0700) and select option 2.					
PAGE 1/18 * RCVD AT 11/25/2003 9:30:00 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:7136234846 * DURATION (mm:ss):04:44					

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- is enclosed herewith.

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	11 March 2005
Signature	Date
Walter C. Grollitsch	48,678
Typed or printed name	Registration Number, if applicable
3040 Post Oak Blvd., Suite 1500	713-823-4844
Address	Telephone Number
Houston, Texas 77056	
Address	

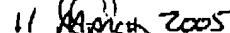
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Walter C. Grollitsch

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